In the High Court of Punjab and Haryana at Chandigarh

CWP No. 17001 of 2006

Date of decision: 27.10.2006

Hans Raj

…Petitioner

Versus

Haryana Vidyut Parasaran Nigam and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. J.P. Dhull, Advocate,

for the petitioner.

JUDGMENT

M.M. KUMAR, J. (Oral)

The relief claimed in the instant petition is that the respondents be directed to transfer/allocate the petitioner from Uttar Haryana Bijli Vitran Nigam Limited (Operation Sub Division Pundri) to Dakshin Haryana Bijli Vitran Nigam Limited (Operation Division Tohana, Circle Hisar) on the basis of the instructions/letter dated 21.6.2000 (P-1). According to the circular the following incumbents could have exercised their option:-

"JE.I Field	J.E.I/Test
JE/Field	JE/Test
AFM	Foreman
SSA	Commercial Assistant

JE/Sub Stn.	Assistant Accounts.
JE/Civil	Lineman
Installation Inspector	LDC/Cash
Assistant Stores	
Officer	Meter Reader and
AFM/Const.	Cable Jointer.”

The petitioner has been working as Meter Reader and is covered by the aforementioned categories, was required to exercise option by making representation by 13.7.2000. It is admitted position that the petitioner has exercised option on 11.7.2000 and thereafter the petitioner has been content by making repeated representations and issuing reminders. It is well settled that direction by this Court could be issued only if the petitioner approached on the expiry of six months of making representation, as has been held by Hon’ble the Supreme Court in the case of **S.S. Rathore v. State of M.P., AIR 1990 SC 10**. For the aforementioned relief if the limitation period of three years as applicable to the filing of the suit is applied then the writ petition would not be maintainable. The period of limitation as provided for filing of civil suit can easily be imported for filing of writ petition as has been held by Hon’ble the Supreme Court in **State of M.P. v. Bhailal Bhai, AIR 1964 SC 1006.** Therefore, the writ petition suffers from delay and laches and accordingly the same is dismissed.

(M.M. KUMAR)

JUDGE

(M.M.S. BEDI)
JUDGE

October 27, 2006

Pkapoor